REMARKS

This Amendment is filed in response to the Office Action dated June 16, 2004. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this amendment. As shown in Figs. 2A and 2B, the width of the EL layer varies according to a distance from the contact point between the electrode layer and a lead. It is clear that the contact point is the point at which a tip of the lead contacts the electrode layer. Claims 1 and 21 are amended in accordance with the Examiner's recommendation. New claims 41 and 48 are supported by the specification at page 9, lines 1-9. Support for the amendments to claims 6, 9, 26, and 29 is found in the specification at page 15, lines 2-13. The specification, at page 5, lines 15-19, and claim 8 supports the amendment to claim 7. The specification, at page 5, lines 15-19, and claim 28 supports the amendment to claim 27. New claims 42 and 49 are supported by the specification at page 14, line 18 to page 16, line 14. Support for new claims 43 and 50 is found in the specification at page 23, line 25 to page 24, line 2. The specification, at page 23, line 18 to page 24, line 2, supports new claims 43, 44, 51, and 52. New claims 46 and 47 are supported by originally filed claims 2 and 22, respectively, and the specification at page 10, lines 16-24. Claims 5 and 25 are amended to correct minor informalities.

Claims 1, 4-7, 9, 11, 12, 17, 18, 20, 21, 24-27, 29, 31, 32, 37, 38, and 40-52 are pending in this application. Claims 1 and 21 are objected to. Claims 6-9 and 26-29 are rejected. Claims 4, 5, 11, 12, 17, 18, 20, 24, 25, 31, 32, 37, 38, and 40 are allowed. Claims 2, 3, 8, 10, 13-16, 19, 22, 23, 28, 30, 33-36, and 39 are canceled.

Claim Objections

Claims 1 and 21 are objected to because of informalities. This objection is traversed, and reconsideration and withdrawal respectfully requested.

Claims 1 and 21 have been amended to correct the asserted informalities.

Claim Rejections Under 35 U.S.C. § 102

Claims 6, 9, 26, and 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamada (U.S. Patent No. 6,366,025).

Claims 6-8 and 26-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fukuda et al. (U.S. Patent No. 6,541,130).

These rejections are traversed, and reconsideration and withdrawal respectfully requested. The following is a comparison between the claimed invention and the cited prior art.

An aspect of the invention, according to claim 6, is a light source for image reading apparatuses, comprising a transparent substrate and a transparent electrode layer for each color of R (red), G (green), B (blue), laminated on the transparent substrate. An electroluminescence layer for each color of R (red), G (green), B (blue) is laminated on the transparent electrode layer, of which each area covering the transparent electrode layer is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors. A metallic electrode layer is laminated on the electroluminescence layer for each color of R (red), G (green), B (blue).

Another aspect of the invention, according to claim 9, is a light source for image reading apparatuses, comprising a transparent substrate and a transparent electrode layer for each color of R (red), G (green), B (blue), laminated on the transparent substrate. An electroluminescence layer for each color of R (red), G (green), B (blue) is laminated on the transparent electrode layer, of which each position is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors. A metallic

electrode layer is laminated on the electroluminescence layer for each color of R (red), G (green), B (blue).

Another aspect of the invention, per claim 26, is an image reading apparatus comprising a light source. The light source further comprises a transparent substrate and a transparent electrode layer for each color of R (red), G (green), B (blue) laminated on the transparent substrate. An electroluminescence layer for each color of R (red), G (green), B (blue) is laminated on the transparent electrode layer, of which each area covering the transparent electrode layer is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors. A metallic electrode layer is laminated on the electroluminescence layer for each R (red), G (green), B (blue).

Another aspect of the invention, per claim 29, is an image reading apparatus comprising a light source. The light source further comprises a transparent electrode layer for each color of R (red), G (green), B (blue) is laminated on the transparent substrate. An electroluminescence layer for each color of R (red), G (green), B (blue) is laminated on the transparent electrode layer, of which each position is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors. A metallic electrode layer is laminated on the electroluminescence layer for each color of R (red), G (green), B (blue).

Claims 6 and 26 require that the each area of the electroluminescence (EL) layer covering the transparent electrode layer is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors. Claims 9 and 29 require that the each position of the EL layer laminated on the transparent electrode layer is

set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors.

Yamada discloses that in order to facilitate the uniform luminance or the control of white balance, the area of each EL layer has a size corresponding to the light emitting capability of each EL layer (column 8, lines 44-56 and column 11, lines 4-39). Yamada does not disclose that each area of the EL layer covering or position of the EL layer on the transparent electrode layer is set according to an illuminance on a document required for reading an image of the respective colors, as required by claims 6 and 26, or 9 and 29, respectively.

The cross section area disclosed in Fukuda is an area of a surface different from the each area covering the transparent electrode layer, as required by claims 6 and 26. Fukuda does not disclose the configuration of the light source and image reading apparatus of claims 6 and 26, respectively. Moreover, Fukuda does not disclose that each area of the EL layer covering the transparent electrode layer is set according to an illuminance on a document required for reading an image of the respective colors, as required by claims 6 and 26.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. Helifix Ltd. v. Blok-Lok Ltd., 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); Electro Medical Systems S.A. v. Cooper Life Sciences, Inc., 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Yamada does not disclose that the each area of the electroluminescence (EL) layer covering the transparent electrode layer is set according to a light emitting capability of the

respective colors and an illuminance on a document required for reading an image of the respective colors, and that the each position of the EL layer laminated on the transparent electrode layer is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors, Yamada does not anticipate claims 6, 9, 26, and 29. Because Fukuda does not disclose that the each area of the EL layer covering the transparent electrode layer is set according to a light emitting capability of the respective colors and an illuminance on a document required for reading an image of the respective colors, Fukuda does not anticipate claims 6 and 26.

Applicants further submit that Yamada and Fukuda do not suggest the claimed light sources and image reading apparatuses.

Applicants submit that the dependent claims further distinguish the claimed invention and are allowable for at least the same reasons as their respective independent claims.

New claims 46 and 47 are similar to originally filed claims 2 and 22, respectively. New claims 46 and 47 are not anticipated by or obvious in view of Abe (JP05-315073) because Abe does not disclose or suggest that the thickness of the EL layer is reduced gradually with increase in a distance from the contact point between the electrode layer and a lead, as required by claims 46 and 47. Abe discloses the use of varying thickness of the transparent electrode to maintain uniform brightness, not that the thickness of the EL layer is reduced to maintain uniform brightness.

Applicants submit that new claims 41-52 are not disclosed or suggested by the cited prior art.

Allowable Subject Matter

Claims 4, 5, 11, 12, 17, 18, 20, 24, 25, 31, 32, 37, 38, and 40 are allowed. Claims 1 and 21 are objected to.

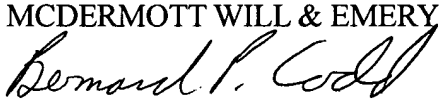
Applicants gratefully acknowledge the indication of allowable subject matter. Claims 1 and 21 have been amended to correct the informalities in accordance with the Examiner's recommendation.

In light of the above Amendments and Remarks, this application should be allowed and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



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